

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO: 08-CR-00205-010
	*	
VERSUS	*	JUDGE DOHERTY
	*	
HAROLD J. GUIDRY	*	MAGISTRATE JUDGE HILL

GOVERNMENT'S OPPOSITION TO DEFENDANT'S
SUPPLEMENTAL MOTION

NOW INTO COURT, through the undersigned Assistant United States Attorney, comes the United States of America, who submits an opposition to the Defendant's Supplemental Motion to His Title 18 U.S.C. § 3582(c)(2) Motion for Reduction of Sentence Pursuant to U.S.S.G. Amendment 782 (Rec. Doc. 715).

Reductions pursuant to Title 18, United States Code, Section 3582(c)(2) reductions of sentence are granted at the discretion of the Court. The United States notes that based on the amount of drugs charged in the Indictment and the date on which the Defendant was originally sentenced, the Defendant could have benefited from the Fair Sentencing Act reducing his mandatory minimum sentence from ten (10) years imprisonment to five (5) years imprisonment. His sentencing guideline range would have gone from 262 to 327 months to 188 to 235 months. However, the Defendant's Motion for Reduction pursuant *United States v. Dorsey* was denied on September 15, 2014 due to the fact that the Defendant was originally sentenced 131 months imprisonment which is well below the range of 188 to 235 months, which is far above the Fair Sentencing Act statutory five (5) year minimum but far below the Fair Sentencing Act forty (40) year statutory maximum.

The United States contends this Defendant has received due consideration from this Honorable Court and should receive no additional benefits. The Court's denial of this Defendant's Motion for Reduction on September 15, 2014 indicate that the Court has considered all mitigating factors in reaching the Defendant's sentence of 131 months.

WHEREFORE, the United States moves that the Defendant's Supplemental Motion to His Title 18 U.S.C. § 3582(c)(2) Motion for Reduction of Sentence Pursuant to U.S.S.G. Amendment 782 (Rec. Doc. 715) be denied.

Respectfully submitted,

STEPHANIE A. FINLEY
United States Attorney

s/Howard C. Parker
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CERTIFICATE

I hereby certify that on January 8, 2016, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be hand delivered to the chambers of the Honorable Rebecca F. Doherty, sent to Probation Officer Arthur Smith and Assistant Federal Public Defender Dustin Talbot via electronic mail, and mailed to Inmate Harold Guidry, 14131-035, Federal Correctional Institution, P.O. Box 4050, Pollock, LA 71467.

s/Howard C. Parker
HOWARD C. PARKER
Assistant United States Attorney